

REMARKS

The above amendment is responsive to points set forth in the Official Action. Favorable reconsideration is respectfully requested.

A replacement Abstract which is in conformance with MPEP § 603.01(b) is attached.

The claims are 1-10.

Claims 1-10 are currently amended.

The *Bacillus coagulans* amendment to claim 1 is supported at page 8, line 17, and at page 13, line 12, of the specification.

The protein content of claim 1 is now defined as per page 6, first full paragraph.

The remaining amendments to claim 1 are responsive to the Examiner's comments at page 2 of the Office Action, and are editorial and self-explanatory.

No new matter is added.

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 1 is currently amended to address this rejection.

Claims 1-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Nakashima et al. (U.S. Patent No. 5,126,143).

Applicants respectfully traverse.

Nakashima et al. discloses a bowel movement improving food incorporating dietary fibers in an amount of 10-50% by weight. See Abstract. Nakashima et al. nowhere discloses or suggests the inclusion of *Bacillus coagulans* in their food products. Accordingly, Nakashima et al. do not disclose or suggest all of the limitations of the present claims and this rejection must be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

Yasumi YUGARI et al.

By J. Mark Konieczny

J. Mark Konieczny, Ph.D.

Registration No. 47,715

for

Matthew M. Jacob

Registration No. 25,154

Attorney for Applicants

MJ/JMK/lc/aas

Washington, D.C. 20006-1021

Telephone (202) 721-8200

Facsimile (202) 721-8250

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